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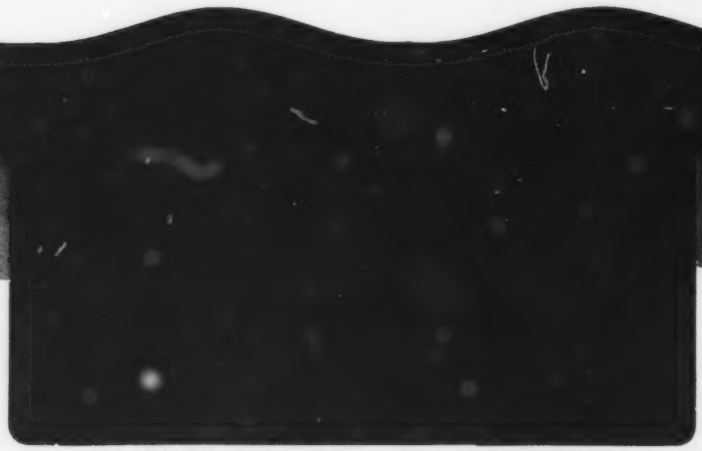
TP 1624

Marine Casualty Investigations

Enquêtes sur les accidents maritimes



# Investigation Report to the Minister pursuant to sections 477 or 480 of the Canada Shipping Act (1985)

# Rapport d'investigation au Ministre conformément aux articles 477 ou 480 de la Loi sur la marine marchande du Canada (1985)

Canada

Ce rapport est aussi disponible en français.

# REPORT OF INVESTIGATION INTO THE CIRCUMSTANCES ATTENDING THE LOSS OF THE TWO CREWMEMBERS FROM THE OPEN BOAT "CFV 151370" IN THE VICINITY OF PORT AU CHOIX, NEWFOUNDLAND, MAY 5, 1989.

## REPORT No. 535

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# REPORT OF INVESTIGATION INTO THE CIRCUMSTANCES ATTENDING THE LOSS OF THE TWO CREWMEMBERS FROM THE OPEN BOAT "CFV 151370" IN THE VICINITY OF PORT AU CHOIX, NEWFOUNDLAND, MAY 5, 1989.

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## Particulars of Vessel

| | |
|---|---|
| Name | No Name |
| CFV Number | 151370 |
| Licence Number | 2M8343 |
| Home Port | Port au Choix |
| Gross Tonnage (calculated) | 4.3 |
| Length | 7.62 m |
| Breadth | 2.59 |
| Depth | 0.94 |
| Type | Open Wooden Boat |
| Built | 1984 |
| Propulsion | Outboard Motor, 55 h.p. Evinrude |
| Crew | 2 |
| Owner | Brian T. Plowman<br>Port au Choix<br>Newfoundland |

**Note:** All times in this report are expressed in Newfoundland Daylight Saving Time (UTC minus 2½ hours).

All references to the Canada Shipping Act in this report refer to Chapter S-9-1985 of the Revised Statutes of Canada.

## Background

On the afternoon of May 5, 1989, while transporting lobster traps from Port au Choix to the fishing grounds nearby, or while setting the traps, two fishermen lost their lives when their open wooden fishing boat either swamped or capsized.

The boat was found floating vertically with only the bow visible above the water. The boat was anchored to the bottom by a tangle of the lobster pots which had been on board.

The bodies of the two fishermen were recovered from the water about a mile from the position in which the boat was found. The men may have foreseen difficulty, as, when their bodies were recovered, one was wearing a Personal Flotation Device (PFD) and the other had several lobster trap marker-buoys tied around the waist.

**Particulars of the Deceased**

| | | |
|---|---|---|
| Name | Brian T. Plowman | Brendan J. Gould |
| Position on Board | Owner/Operator | Crewman |
| Age | 24 | 23 |
| Address | Port au Choix<br>Newfoundland | Port au Choix<br>Newfoundland |

**Narrative**

The small 7.62 m open wooden fishing boat, powered by a 55 HP outboard motor was engaged in transporting and setting lobster traps on the afternoon of May 5, 1989. The boat was owned and operated by Brian T. Plowman and on board as crewman was Brendan Gould.

The two fisherman departed Port au Choix sometime about 1430 May 5, 1989, to set lobster traps off Barbace Cove on the northern side of the Port au Choix Peninsula. Approximately 60 lobster traps were carried on board the boat which were stowed forward of the two fishermen who were at the stern.

About 1510 the small Canadian longliner "EVONNE GAY" inbound to Port aux Choix passed the outbound boat off Barbace Cove. At that time those on board the longliner noted the boat was heading into the seas, was heavily laden with lobster traps and was taking some sea-spray over her bow. As the vessels passed some 100-150 m apart the two fishermen in the boat waved a greeting to the "EVONNE GAY" signifying that all was well. Weather conditions at the time were reported as good with visibility of 10 miles, southwest winds of 15-20 knots, 1 m. seas and a cool ambient air temperature.

At about 1600 the small Canadian fishing vessel "CHER & JEFF" arrived to fish in the area off Barbace Cove and

noticed what appeared at first to be a chunk of ice north of her position. It was identified shortly after as the protruding bow of a boat vertically semi-submerged approximately 370 m from the shoreline. The boat appeared to be anchored to the bottom. After checking the hull area for survivors and finding none the "CHER & JEFF" immediately made a VHF radiotelephone Ch. 16 communication at 1608 to the Canadian Coast Guard Ship "TUPPER" known to be in the area on ice duty. The position of the boat was given as 50°43.7'N, 57°22.2'W. Debris was also reported in the area. Subsequently a search for survivors was initiated.

The CCGS "TUPPER" which was enroute from Hawke's Bay towards Port au Choix altered course for the "CHER & JEFF" approximately 3 miles away. The Canadian Coast Guard Radio Station (VCM), St. Anthony advised the "TUPPER" that the station had monitored the conversation with the "CHER & JEFF", that the station would contact the Marine Rescue Sub Centre (MRSC) at St. John's, Newfoundland to notify them and that the "TUPPER" should keep VCM updated. Several other small fishing vessels in the area also heard the "CHER & JEFF" transmission and joined the search.

In the meantime, as the "TUPPER" proceeded to the scene, her helicopter "CG119" enroute from Port au Choix and unaware of the situation, notified the ship of her ETA on board. The "TUPPER" apprised "CG119" of the situation, directed the helicopter to search the shoreline for survivors and then conduct a search of the surrounding area.

The "TUPPER" arrived alongside and began to lift the semi-submerged boat which was found to be anchored to the sea bed by a tangle of lobster traps. While in that process, at 1628, the "TUPPER" was notified by "CG119" that a body had been sighted, floating motionless in a lifejacket, about 1.3 miles from the vessel. The "TUPPER" released the boat, sailed to the site and utilizing the vessel's lifeboat, recovered the body of Mr. Plowman. The "CG119" continued the search and sighted another body, without a lifejacket, submerged just under the sea surface, a short distance away. The lifeboat was then directed to and recovered the body of Mr. Gould. The "CG119" continued to search the area until it required to refuel.

The lifeboat with both bodies was lifted on board the "TUPPER" and taken to Port au Choix where at 1748 an ambulance transported them to the nearby Port Saunders Hospital. Both were pronounced dead on arrival by a doctor on duty. Autopsies, performed the following day, listed the cause of death as drowning in sea water. In the meantime, it had been confirmed that only two persons had been on board the boat

and further search ceased.

The "TUPPER" sailed at 1810 with an RCMP official on board and at 1842 began operations to recover the boat and tangled lobster fishing gear. With the boat and gear on board, the "TUPPER" returned to Port au Choix and secured for the night. At 0942 next morning the boat and gear were offloaded and the "TUPPER" released to return to normal operations.

As a result of this casualty two lives were lost. There was no pollution.

## Analysis

### 1. Weather

Weather conditions in the area during the afternoon of May 5, 1989 were reported as good with a visibility of 10 miles, southwest winds of 15-20 knots, moderate seas of 1 m and an ambient air temperature of +3°C. Those conditions were consistent with area forecasts and the conditions recorded in the CCGS "TUPPER'S" log.

Although there was still ice in some bays and inlets, the harbour at Port au Choix and the seas about the Point Riche Peninsula were relatively ice free at the time of the casualty with only small chunks to be found scattered on the sea surface. Ice was not considered to be a contributing factor in the casualty.

### 2. Boat and Motor

The five year old uninspected wooden 7.62 m open boat, owned by Mr. Plowman, was recovered on board the CCGS "TUPPER" and found to be in good condition with no apparent damage which might have been a contributing factor in the casualty. Her transom drain plug was properly seated.

The 55 H.P. Evinrude outboard motor attached to the transom was found filled with seawater and structurally undamaged but, unfortunately the throttle and gear selection lever control settings were not noted or recorded. It is therefore impossible to determine whether the boat was moving or stopped at the time of the casualty.

A small sheltered gasoline powered motor was fitted near the bow on the starboard side. Connected by hoses it powered a hydraulic pump lifting unit located aft on the

port side. Secured to the hull alongside the hydraulic unit was a sturdy pipe derrick. In operation the unit would be used in hauling traps on board.

The natural buoyancy of the wooden hull together with air trapped in the small forefoot locker aided in keeping the boat from sinking to the sea bed. Had the waters been deeper the boat would undoubtedly have been pulled below the sea surface by the weight of the lobster traps tangled about the derrick and outboard motor.

It would appear that the boat went down by the stern. The load of lobster traps slipped aft then their lines became tangled in the derrick and outboard motor as the traps fell to the sea bed, thus anchoring the boat in the bow up/stern down position in which she was found. There had not been a report of a problem with either the hull or outboard motor prior to this trip.

The boat was not inspected by the Ship Safety Branch of the Canadian Coast Guard nor was she required to be by regulation. Registered as a commercial fishing vessel, she was subject to Part II of the Small Fishing Vessel Inspection Regulations made pursuant to the Canada Shipping Act, and was required to comply with the sections of those regulations dealing with life-saving and fire-extinguishing equipment (for excerpts of the regulations see Annex I).

3. <u>The Vessel Load</u>

When the loaded boat departed Port au Choix on the afternoon of May 5, 1989, only those on board knew the exact number of traps carried. After the boat's recovery with the entangled traps, it was determined that at least 60 were on board. (45 were taken on the deck of the "TUPPER", 3 were lost at the rail and 2 were lost when a line parted during recovery. A string of 10 traps had been set). There may have been other traps which were not recovered.

Other items reportedly on board were; 2 PFD life vests, 2 gas tanks, a spare container of gas, a container of flares, a fire extinguisher, a 22-litre plastic pail, a wooden box containing knives, a number of spare tools, a long and a short-handled gaff.

During the search operation, the two fuel tanks, spare container of gas, a life vest and knife box were recovered from the water some distance north of the site

of the casualty.

Reportedly, the lobster traps were stowed in tiers in such a manner that some were lengthwise fore and aft, while others were athwartships.

The traps above the gunwale were stowed athwartships in the boat. The outboard ends of the traps protruded 0.3 to 0.4 m over the side, and the inboard end was lower than the outboard end. This stow would cause spray striking the traps to drain into the boat. The total load on board, including the crew and all gear, is conservatively estimated to be approximately 1600 kg to 1700 kg.

Reportedly, a load of 40 to 45 traps would be considered a normal load for a vessel of her type and size. Loaded as she was, freeboard was reduced considerably. Fishermen frequently fail to appreciate the hazards created when their vessels are loaded to such an extent even though they may have successfully carried excessive loads on previous occasions, usually under ideal weather conditions.

The Plowman boat, when last seen by the "EVONNE GAY", was heading into the seas at about half speed and was taking sea spray over her bow. Reportedly there was very little freeboard at that time but the two fishermen on board showed no concern as they waved a greeting as the vessels passed each other some 100-150 m apart in opposite directions. Neither man on board appeared to be wearing any form of flotation device.

Loaded in such a manner and shipping spray would cause water to collect in the bilge, which would normally drain aft due to the boat's forward motion. The accumulation of this additional water would further decrease the already low freeboard and create a free surface effect and thus reduce the boat's stability. Loaded as she was it would have been prudent to reduce speed to lessen sea spray. The additional water in the bilge may not have been noticed until the level rose over the floor boards.

Although it is not possible to offer a single 'most probable' scenario as to how this casualty occurred, it would appear likely that the boat sank stern first at which time the load of lobster traps slipped aft and became entangled in the small derrick trap hauler. It would also appear that the two men, non-swimmers, were aware of what was about to happen and either before they

were displaced into the sea, or while in the water alongside the vessel, Mr. Plowman managed to don a PFD life vest. The other life vest apparently was not within reach and several lobster trap marker buoys were cut free and tied about Mr. Gould to help support him. In any event, they became separated from the vessel and each other while possibly attempting to reach the shoreline some 370 m from them.

4. Discovery and Search

About 1600 the fishing vessel "CHER & JEFF" noticed the protruding bow of the semi-submerged boat and when the occupants were not seen in the area the CCGS "TUPPER" was contacted via Channel 16, VHF radiotelephone. Consequently, a search for survivors was initiated. St. Anthony Coast Guard Radio (VCM) monitored the radio transmissions between the "CHER & JEFF" and the "TUPPER" and advised MRSC, St. John's, Newfoundland.

The "TUPPER" altered course for the semi-submerged boat in position 50°43.7'N, 57°22'2'W and while enroute, directed her helicopter "CG119", which was returning to the vessel from Port au Choix, to search the coastline for survivors and to conduct a search of the surrounding area.

At 1638 "CG119" alerted the "TUPPER" that a body floating in a lifejacket had been sighted in a position approximately 1.3 M from the vessel. The "TUPPER" then in the process of lifting the boat from the water, released it and proceeded to recover the body which was floating face up, eyes closed, mouth open, no movement and waves washing over the face. There has been no recognition or acknowledgement when the helicopter approached. At 1638 the "TUPPER" was alongside and lowered her lifeboat with a crew of four to recover the body. At that time "CG119" reported to the "TUPPER" that a second body had been sighed about 60 m away and was completely submerged just below the sea surface with no signs of life. At 1640 the first body was recovered on board the lifeboat and checked for life signs but there was none.

The lifeboat then proceeded to recover the second body which was found floating about 0.3 m beneath the sea surface. Several lobster trap marker buoys (wood) were tied about the waist to serve as buoyancy support and when they had been cut free, the body was taken on board and checked for life signs but like the first, there was none. The lifeboat was then taken on board the "TUPPER"

which proceeded to Port au Choix where, on arrival, the vessel was met by RCMP officials who had been notified. After inspection and checking for I.D. by the RCMP, the bodies were taken to an ambulance and transported to the Port Saunders Hospital. A doctor on duty pronounced them dead on arrival.

At 1810 the "TUPPER", with an RCMP official on board, proceeded to the site of the boat to recover it after which she returned to Port au Choix for the night. In the meantime, at 1825, "CG119", having exhausted its fuel, returned to the "TUPPER" after 2 hours 10 minutes of searching. The next morning at 0942 the "TUPPER" returned to normal operations.

During the search of the area to the north of where the bodies had been located, a fishing vessel recovered two fuel tanks, the spare container of fuel, a life vest and a wooden knife box. No other items were ever found.

## 5. Survival

The seawater temperature recorded in the area on May 5, 1989, was +4.4°C. A Canadian Red Cross Society publication entitled 'Cold Water Survival' graphically shows that a person's chances of survival in a seawater temperature of +5°C is strong if rescued immediately and that they can help themselves for up to 35 minutes. After 35 minutes and up to one hour and thirty minutes in the water, persons have a 50% possibility of survival. The times are average predicted survival times of adult humans. The figures are based on experimental cooling of average men and women who are holding still in ocean water and wearing a standard lifejacket and light clothing. Predicted survival time is increased by extra body fat and decreased by small body size.

These averages would vary depending on the physical condition of the persons, their age, whether injuries had been sustained and weather conditions. Consumption of alcohol makes the victim feel warmer but accelerates heat loss. As is the case in many accidents of this nature, it would appear that the wearing of lifejackets and/or PFD's is often neglected by fishermen on board their vessels. The wearing of those items is considered uncomfortable and cumbersome during fishing operations and more so if the fisherman is wearing heavy clothing.

At the time they were last seen, neither appeared to be wearing any form of flotation device although two PFD vests were carried on board. When recovered, the

victims were wearing:

Mr. Plowman - life vest, rubber foul weather work suit, navy coloured jacket, blue jeans, gloves, socks and underwear.

Mr. Gould - rubber foul weather work suit, black snowsuit, blue tee shirt, red shirt, socks and rubber knee boots. Four wooden lobster trap marker buoys were cut free from his waist before his body was removed from the water.

The autopsy indicated that death was due to drowning and not hypothermia as had been suspected. When recovered both victims were reported as showing signs of rigor mortis. It would appear they had been in the water for a period of up to one hour or more (they were last seen at 1510, the submerged boat sighted at 1600 and the first body located at 1628). The location of the submerged boat was reportedly not far from where they had last been seen.

6. Experience

Both men were considered to be experienced small boat fishermen, having been involved in the fishery since their school days. Neither man could swim. Each had completed the Marine Emergency Duties (MED) Course. Mr. Plowman had completed his MED in 1983 while Mr. Gould completed his in 1985.

## Findings

On May 5, 1989, in good weather conditions, some time after 1510, while enroute to set, or in the process of setting lobster traps, Brian Plowman and Brendan Gould were lost overboard when their 7.62-metre open boat swamped and/or overturned for reasons unknown. In the absence of any witnesses to the casualty, it would appear they lost their lives due to the following contributing factors:

- the vessel carried some 60 traps when a normal load would have been 40-45 traps;

- the victims may have been immersed in the cold water before taking measures to provide themselves with some form of flotation device;

- they were unable to utilize the flares carried on board or if used, the flares were not seen;

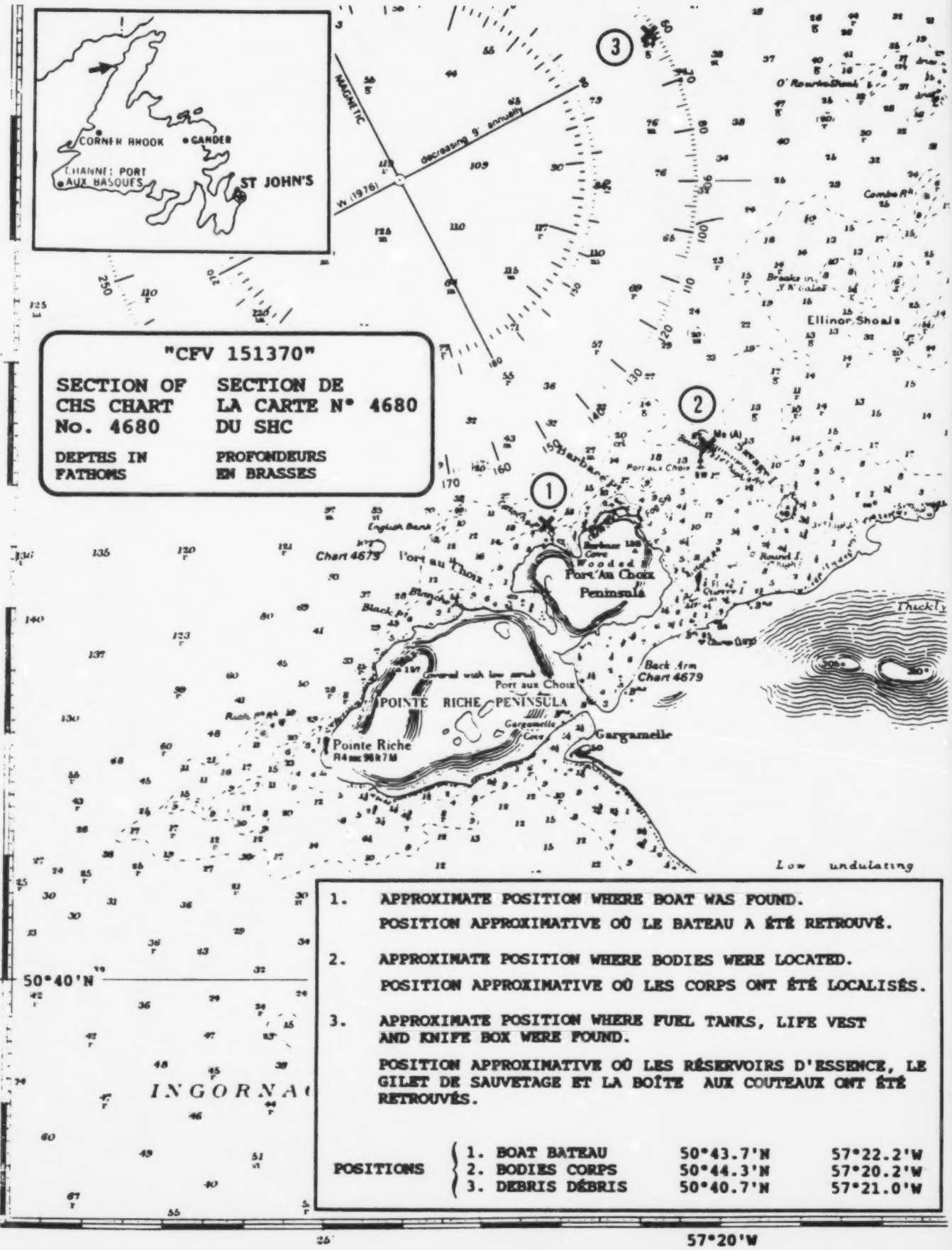
- certain items of safety gear were not secured in the vessel and, therefore, lost;

- they were wearing heavy clothing and were non swimmers, and

- the cold seawater temperature limited their survival time.

**Marine Casualty Investigations**
**Transport Canada**
**110 O'Connor Street**
**Ottawa, Ontario**
**K1A 0N5**

**OTTAWA, ONTARIO**
**NOVEMBER, 1989**


CORNER BROOK
GANDER
CHANNEL PORT AUX BASQUES
ST JOHN'S
MAGNETIC
decreasing 9' annually
W (1976)
"CFV 151370"
SECTION OF CHS CHART No. 4680
SECTION DE LA CARTE N° 4680 DU SHC
DEPTHS IN FATHOMS
PROFONDEURS EN BRASSES
Ellinor Shoals
Chart 4679
Port au Choix
Port Au Choix Peninsula
Back Arm
Chart 4679
POINTE RICHE PENINSULA
Pointe Riche
Gargamelle
Low undulating
1. APPROXIMATE POSITION WHERE BOAT WAS FOUND.
POSITION APPROXIMATIVE OÙ LE BATEAU A ÉTÉ RETROUVÉ.
2. APPROXIMATE POSITION WHERE BODIES WERE LOCATED.
POSITION APPROXIMATIVE OÙ LES CORPS ONT ÉTÉ LOCALISÉS.
3. APPROXIMATE POSITION WHERE FUEL TANKS, LIFE VEST AND KNIFE BOX WERE FOUND.
POSITION APPROXIMATIVE OÙ LES RÉSERVOIRS D'ESSENCE, LE GILET DE SAUVETAGE ET LA BOÎTE AUX COUTEAUX ONT ÉTÉ RETROUVÉS.
POSITIONS
1. BOAT BATEAU 50°43.7'N 57°22.2'W
2. BODIES CORPS 50°44.3'N 57°20.2'W
3. DEBRIS DÉBRIS 50°40.7'N 57°21.0'W
50°40'N
57°20'W

**ANNEX I**

CANADA SHIPPING ACT

Small Fishing Vessel Inspection Regulations

## PART II

## FISHING VESSELS NOT EXCEEDING FIFTEEN TONS, GROSS TONNAGE

### Application

52. This Part applies to fishing vessels not exceeding 15 tons, gross tonnage, that are not sailing ships.

### Life Saving Equipment, Lights and Signals

53. (1) In this section, ''approved'', when used in reference to an article, means that the article has been built in accordance with the standards therefor in the Life Saving Equipment Regulations and has been approved by the Board.

(2) Every fishing vessel not exceeding 12.2 m in length shall carry

(a) one approved life jacket for each person on board;

(b) one approved lifebuoy fitted with 27 m of line; and

(c) one watertight can containing six approved self-igniting flares.

(3) Every fishing vessel exceeding 12.2 m in length shall carry

(a) one approved life jacket for each person on board;

(b) a sufficient number of lifeboats, boats, dories, skiffs or seine skiffs to accommodate all persons on board the vessel; and

(c) one watertight can containing six approved self-igniting red flares.

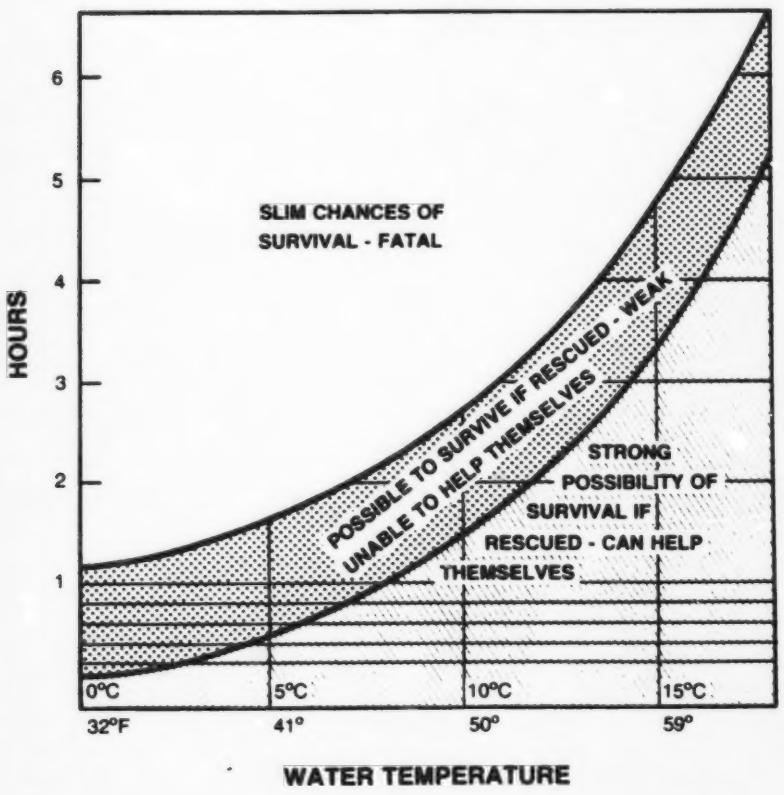
(4) Every fishing vessel shall carry sufficient lights and equipment to comply with the Collision Regulations, and such lights shall be oil or electric.

### Fire Extinguishing Equipment

54. (1) Every fishing vessel of open construction shall carry one fire bucket.

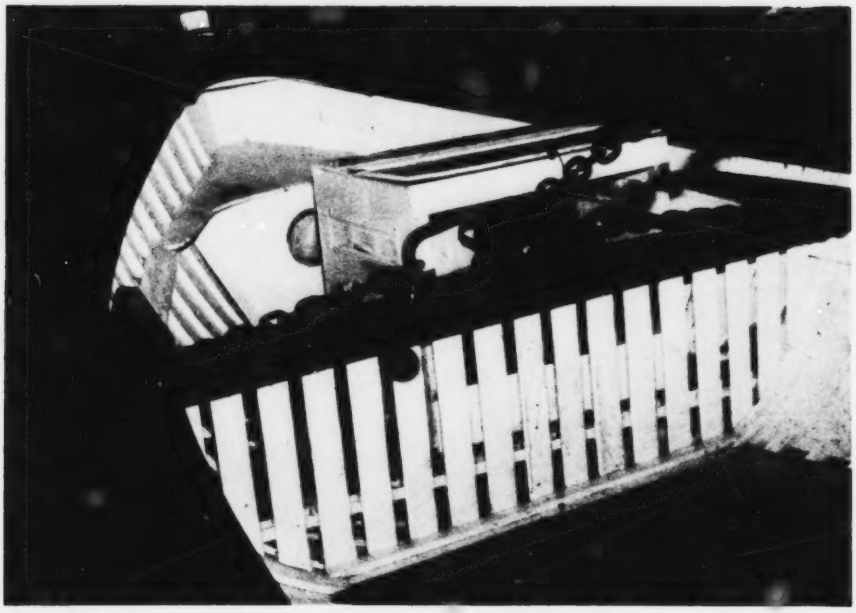
ANNEX II

## COLD WATER SURVIVAL




The accompanying graph shows average predicted survival times of average, adult humans in water of different temperatures. The figures are based on experimental cooling of average men and women who were holding still in ocean water and wearing a standard lifejacket and light clothing. The graph shows, for example, that predicted survival time is about 2½-3 hours in water of 10°C (50°F). Predicted survival time is increased by extra body fat and decreased by small body size. Although women generally possess slightly more fat than men they cool slightly faster due to their usually small body size. However, for comparable sizes, the man will cool faster.

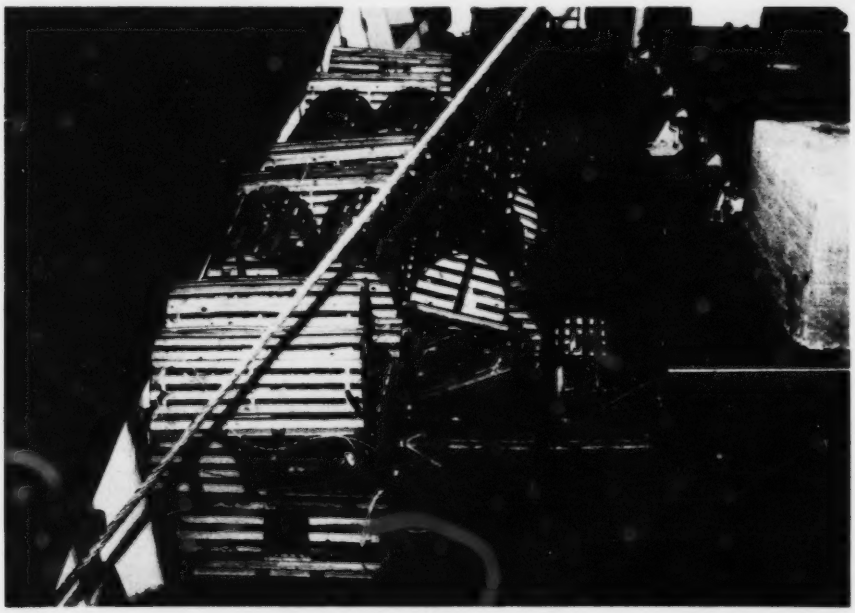
"COLD WATER SURVIVAL"
CANADIAN RED CROSS



The Plowman boat aboard CCGS "TUPPER".

Le bateau Plowman à bord du NGCC "TUPPER".

The Plowman boat after recovery.
Bateau Plowman après sa récupération.



Lobster traps recovered.
Casiers à homards récupérés.